

Case No. 5,397.

[Pet. C. C. 44.]¹

GIBSON v. JOHNSON.

Circuit Court, D. New Jersey.

April Term, 1810.

REMOVAL OF CAUSES—FILING PETITION AFTER TWO TERMS.

Motion to docket a cause returned from a state court. The defendant's appearance had been entered September, 1809, and after two terms the petition to remove was filed and granted, in the state court, as of September, 1809. The court refused the motion.

[Cited in *Galpin v. Critchlow*, 112 Mass. 340.]

Motion to docket a cause removed from the state court The appearance of defendant was entered September, 1809; and, after passing two terms, the petition to remove was filed in February last, and granted as of September.

BY THE COURT. The agreement of the state court to consider the petition as filed of a preceding term, when the appearance was entered nunc pro tune, cannot give us jurisdiction, when we see, that in point of fact it was not filed until a subsequent term. Motion overruled.

¹ [Reported by Richard Peters, Jr., Esq.]